

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1630 OF 2007

Janardan Dyandeo Baing ..Petitioners
since deceased through Lrs

V/s.

Nandkumar Vishnu Thorve & anr. ..Respondents

Mr.N.V.Bandiwadekar for the petitioners
Mr.P.J.Pawar for the respondent Nos.1 & 2

CORAM : A.S.OKA, J.

DATE : 10TH APRIL, 2007

P.C.

1. Heard advocates appearing for the parties. The learned advocate for the petitioners on instructions of the petitioners who are stated to be present in the Court seeks permission to withdraw this Writ Petition with liberty to prosecute all pending applications including application at Exh.239. He prays that the order passed by this Court dated 8th March, 2007 may be extended for a period of two weeks to enable the petitioners to apply for appropriate relief before the trial Court.

2. The prayer for extension of ad-interim relief is opposed by the respondents.

3. Considering facts and circumstances of the case, the Writ Petition is disposed of by passing the following order.

O R D E R

- a) Writ Petition is dismissed as withdrawn.
 - b) Notwithstanding dismissal of the Writ Petition, it will be open for the petitioners to prosecute all pending applications before the trial Court including application at Exh.239.
 - c) The said applications shall be decided by the trial Court without being influenced by the impugned order.
 - d) To enable the petitioners to apply for appropriate relief before the trial Court, ad-interim order passed on 8th March, 2007 will continue to operate for a period of two weeks.
 - e) It is made clear that the trial Court will decide the applications made by the petitioners without being influenced by the confirmation of the impugned order by this Court.
 - f) There will be no order as to costs.
- Parties to act on an authenticated copy of this order.

(A.S.OKA, J.)